

## R E M A R K S

### **I. Introduction**

This is a complete and timely response to the Examiner's Action of July 17, 2002. Reconsideration of this application is respectfully requested in view of the foregoing remarks.

Claims 1-39 are pending in this application, of which: claims 1-5, 7-19, and 21-39 are rejected under 35 U.S.C. 102(e) as being anticipated by **Weiser** et al. (U.S. Patent No. 6,385,596 herein referred to as "**Weiser**"); claim 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Weiser** in view of Klingman (U.S. Patent No. 5,729,594 herein referred to as "**Klingman**").

Applicant thanks the Examiner for the careful consideration of the present application for a patent thereon. Claims 1-39 of the application have been cancelled. Claims 40 – 78 have been added. Applicant believes that new claims 40 – 78 overcome the rejections of claims 1-39. Accordingly, all of the pending claims are believed to be in condition for allowance.

Applicant also thanks the Examiner for the courtesy extended to applicant and applicant's representative during an interview on Monday, December 9, 2002. In attendance at the interview were: examiner Khanh Dinh; applicant's representative David Grossman; and applicant Ravi Sandhu. During the interview, differences between prior art and the claimed invention were discussed. Applicant argued that the objects disclosed in **Weiser** are different from the objects disclosed in the present invention. The examiner lead the applicant to believe that although the present invention is patentable, that the independent claims were too broad. Accordingly, the applicant has rewritten the claims as presented in claims 40-78 to more specifically describe the invention as disclosed.

### **II. THE REJECTIONS UNDER § 102(e) ARE IMPROPER**

Claims 1-8, 13-15 stand rejected under 35 U.S.C. 102(b) as being anticipated by **Weiser** as set forth on pages 2-8 of the Office Action.

**A. The present invention and Weiser perform different functions.**

The present invention and **Weiser** have different purposes and operate in vastly different architectures using vastly different methods. **Weiser** is a computer implemented online music distribution system for secure delivery of media files for use on predetermined media players. The present invention relates to the creation and use of independent secure cookies between a server and a client. Because the two inventions are so different, Applicant believes that this response applies to the patentability of each and every claim, both directly or through the claim(s) they depend upon.

**B. Objects disclosed in Weiser are not the same as objects disclosed in the present invention.**

**Weiser** requires three distinct objects that are essential to **Weiser** in performing its stated goal of secure media delivery and use, whereas the present invention may perform its stated goal of enabling the transfer of secure data on a network between a client (singular) and a server using a secure cookie. The three **Weiser** objects are: media content; a media voucher object; and a passport object. See **Weiser**, Col 6, lines 36-47. None of these **Weiser** objects is equivalent to the secure cookies disclosed in the present invention.

**Weisers'** media content (object) is stored in media data files that are encrypted, when purchased, using encryption keys of the purchasers, whereas the present invention does not require that any of its objects be stored in any other type of file, especially purchased files. Further, the present invention does not require the encryption of any shell file. No objects disclosed in the present invention are intended to be encapsulated in media files.

**Weisers'** Media voucher object is created by a content manager, then passed to an intermediary server, who then forwards it to an intermediary web browser, who then passes it to a media player, for whom it is intended. See **Weiser**, Col 8, lines 19-41. The

objects disclosed in the present invention are created directly by a server and then transmitted directly to their intended client user.

**Weisers'** passport object is also not created by a server like the objects in the present invention. In fact, the passport is issued by a licensing center as a prerequisite for any media file transactions. *See col. 8, lines 43 to col. 9, line 37.* Whereas, in the present invention, a server creates objects when and as they are needed when interacting with a client.

## II. THE REJECTIONS UNDER § 103(a) ARE IMPROPER

Based upon the arguments above, Applicant believes that argument made in the previous section applies equally to **Weiser** in view of **Klingman**.

### CONCLUSION


Applicant respectfully requests entry of the above amendment since it places the application in condition for allowance and they are not believed to require any further consideration and/or search by the Examiner. A clean copy of the amendments is included with this response.

In view of the above, it is believed that all outstanding issues have been resolved. If after reviewing the above, the Examiner is of the opinion that any minor or merely formal matters remain to be attended to, the Examiner is respectfully requested to contact Applicant's undersigned representative by telephone in order to expedite any further prosecution in connection with this application.

Respectfully submitted,

David G. Grossman

Dated: 12/17/02

By: 

David G. Grossman

Registration No. 42,609

George Mason University  
Office of Technology Transfer, MSN 5G5  
4400 University Drive  
Fairfax, VA 22030  
Tel: 703-481-3360  
Fax: 703-993-8871